

Hart v. WWE  
Deposition of Christopher Barbeau

COPY

May 7, 2003

1	2	3
1	IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI	
2	AT KANSAS CITY	
3	MARTHA HART, et al.,	
4	Plaintiff,	
5	-vs- No. 99CV-210774	
6	WORLD WRESTLING ENTERTAINMENT, INC., et al,	
7	Defendants and	
8	Third-Party Plaintiffs,	
9	-vs- LEWMAR, LIMITED and LEWMAR, INC., formerly	
10	known as LEWMAR MARINE, INC.,	
11	Third-Party Defendants.	
12	VIDEOTAPED DEPOSITION OF	
13	WITNESS: CHRISTOPHER BARBEAU	
14	LOCATION: Miller, Canfield, Paddock and Stone	
15	101 North Main Street, 7th Floor	
16	Ann Arbor, Michigan 48104	
17	DATE: May 7, 2003	
18	1:18 p.m.	
19	APPEARANCES:	
20	FOR PLAINTIFF: FOLAND & WICKENS, P.C.	
21	911 Main Street, 29th Floor	
22	Kansas City, MO 64105	
23	BY: MR. WILLIAM F. LOGAN	
24	FOR DEFENDANT: BRYAN CAVE, LLP	
25	One Kansas City Place	
	1200 Main Street, Ste. 3500	
	Kansas City, MO 64105-2100	
	BY: MS. JULIET A. COX	
	OFFICIATING JUDGE: Carl D. Gum, Jr.	
	Senior Judge of the State of Missouri	
	REPORTER: Laurel A. Jacoby, CSR-5059, RPR	

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9	EXHIBIT INDEX	
10	EXHIBIT NO.	DESCRIPTION PAGE NO.
11	No. 1	Description of Ring of Steel Action
12		Theater from web pag 9
13	No. 2	Amspec invoice to Ring of Steel 34
14	No. 3	Page from Lewmar catalog 40
15	No. 4	Lewmar trigger-latch shackle
16		purchased from Amspec by
17		Ring of Steel Action Theater 44
18		(Retained)
19	No. 5	Gibb shackle 106
20		(Retained)

1	2	3
1	Ann Arbor, Michigan	
2	May 7, 2003	
3	1:18 p.m.	
4		
5	VIDEO TECHNICIAN: Today's date is May	
6	the 7th, the year 2003 and we're on the record at	
7	1:18 p.m. This is the video deposition of	
8	Mr. Chris Barbeau. We're at the law offices of	
9	Miller, Canfield, Paddock and Stone in Ann Arbor,	
10	Michigan.	
11	This is the matter of Hart versus the	
12	World Wrestling Entertainment, Inc. versus Lewmar	
13	Limited. This case is pending in Jackson County,	
14	Missouri, Circuit Court Case No. 99 CV-210774.	
15	Counselors and our judge, could you put your	
16	appearance on the record, please.	
17	MS. COX: Juliet Cox on behalf of	
18	World Wrestling Entertainment, Inc.	
19	MR. LOGAN: William Logan on behalf of	
20	third-party defendants, Lewmar Limited and Lewmar,	
21	Inc.	
22	JUDGE GUM: Judge Carl Gum, Special Master	
23	appointed for purposes of discovery.	
24	~CHRISTOPHER BARBEAU~	
25	called as a witness by the Defendant, being first	

1	2	3
1	duly sworn, was examined and testified as follows:	
2	EXAMINATION	
3	BY MS. COX:	
4	Q. Mr. Barbeau, before we began, I asked you whether	
5	you'd given a deposition before and you have not, is	
6	that correct?	
7	A. That is correct.	
8	Q. Before we get into the meat of what we're going to	
9	do today, I was going to go over kind of what you	
10	should expect. Basically, what we are here to do is	
11	to find out some information that you have that has	
12	some relevance to the lawsuit that is currently	
13	pending in Jackson County, Missouri.	
14	I will be asking you questions. Basically	
15	you and I are just going to have a conversation	
16	covering certain topics and hopefully it won't take	
17	too much of your time today.	
18	When I'm finished, then Mr. Logan will have	
19	a chance to ask some follow-up questions and that	
20	may or may not go back and forth a little bit and	
21	then we'll be finished. There aren't any rules,	
22	per se, except that everything we are saying today	
23	is being recorded. So if a question requires like a	
24	yes or a no type of answer, if you could say that	
25	rather than uh-huh or nodding your head.	

1 (Pages 1 to 4)

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<p>5</p> <p>1 A. Certainly.</p> <p>2 Q. So that it can be taken down.</p> <p>3 If I ask you any questions that are</p> <p>4 confusing or that you don't understand what it is</p> <p>5 I'm saying, because I will occasionally trip up on</p> <p>6 my words, please ask me to just clarify. I'd be</p> <p>7 happy to do that. Okay?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And other than that, I think we're ready to</p> <p>10 go.</p> <p>11 A. All right.</p> <p>12 Q. All right. Mr. Barbeau, would you please state your</p> <p>13 name?</p> <p>14 A. Christopher C. Barbeau.</p> <p>15 Q. And where are you currently employed?</p> <p>16 A. It depends on in what capacity. I work for the</p> <p>17 University of Michigan. I also own two of my own</p> <p>18 companies where I'm one of one or more employees,</p> <p>19 and I work at the Michigan Opera Theater as a stunt</p> <p>20 coordinator and director down there.</p> <p>21 So do you want me to list all of those</p> <p>22 hastily?</p> <p>23 Q. Well, let's just start with the University of</p> <p>24 Michigan, which you mentioned first. What do you do</p> <p>25 for the University of Michigan?</p>	<p>7</p> <p>1 think that I was probably performing stunts before</p> <p>2 that time.</p> <p>3 Q. And have you also been performing stunts for 30 plus</p> <p>4 years?</p> <p>5 A. Yes.</p> <p>6 Q. Have you received any formal type of training for</p> <p>7 stunt performance?</p> <p>8 A. Yes.</p> <p>9 Q. What is that?</p> <p>10 A. I have attended -- every six months or so I attend</p> <p>11 a workshop on various aspects of the stunt industry.</p> <p>12 My specialty happens to be theatrical combat,</p> <p>13 specifically sword play; however, I have attended</p> <p>14 and taken classes for high falls, flying, fire work,</p> <p>15 stunt driving. In fact, that was my first union job</p> <p>16 was as a stunt driver for the Blues Brothers movie.</p> <p>17 Q. And do you also engage in rigging stunts?</p> <p>18 A. Yes.</p> <p>19 Q. How long have you been doing that?</p> <p>20 A. I probably rigged my first stunt at around 17, so --</p> <p>21 Q. When you were 17 years old?</p> <p>22 A. Yes. So that would have been 1982 or '81.</p> <p>23 Q. And have you been involved in some capacity rigging</p> <p>24 stunts since that time?</p> <p>25 A. Yes. I was the fight director for several years,</p>
<p>6</p> <p>1 A. I manage a significant portion of the computing</p> <p>2 infrastructure that occurs here at the university</p> <p>3 for student use.</p> <p>4 Q. Okay. And then you said you owned two separate</p> <p>5 businesses?</p> <p>6 A. Correct. I own and am the executive director of the</p> <p>7 Ring of Steel Action Theater.</p> <p>8 Q. Okay. And the other one?</p> <p>9 A. I own and am employed by Myrmidon Press and</p> <p>10 Photography where I function as a professional</p> <p>11 photographer and videographer. At the Michigan</p> <p>12 Opera Theater, I am a staff -- I'm their staff stunt</p> <p>13 coordinator and I am their staff photographer.</p> <p>14 Q. Okay. And the Ring of Steel, is that involved in</p> <p>15 stunts as well?</p> <p>16 A. Yes.</p> <p>17 Q. How long have you been involved in some capacity in</p> <p>18 the stunt industry?</p> <p>19 A. Since 1974.</p> <p>20 Q. So close to 30 years?</p> <p>21 A. Correct.</p> <p>22 Q. And do you perform stunts?</p> <p>23 A. Yes.</p> <p>24 Q. When did you first begin performing stunts?</p> <p>25 A. I got paid for my first stunt at 11 years old. I</p>	<p>8</p> <p>1 four years, of the Michigan Renaissance Festival and</p> <p>2 both rigged and performed many stunts during that</p> <p>3 time.</p> <p>4 Q. And are you engaged in stunt rigging in connection</p> <p>5 with your work with the Michigan Opera Theater?</p> <p>6 A. I consult on it. To date, they haven't actually</p> <p>7 needed very much. I've only been performing in this</p> <p>8 role for about two years now.</p> <p>9 Q. Okay. Have you received any formal training in</p> <p>10 stunt rigging?</p> <p>11 A. No.</p> <p>12 Q. Is there any formal training in stunt rigging that</p> <p>13 you are aware of?</p> <p>14 A. None of which I am aware.</p> <p>15 Q. Could you please tell the jury what Ring of Steel</p> <p>16 is, what its business is?</p> <p>17 A. The Ring of Steel Action Theater has two principal</p> <p>18 roles. We have an educational arm that goes into</p> <p>19 schools and performs lecture demonstrations where we</p> <p>20 will lecture on various topics associated with</p> <p>21 historical violence and its appearance in the</p> <p>22 theater and then we will perform demonstration</p> <p>23 fights and/or stunts. Those stunts usually include</p> <p>24 high falls. We don't perform fire stunts within</p> <p>25 school districts. And no firearms after 1987 in</p>

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<p>9</p> <p>1 school districts either.</p> <p>2 The other arm is a performance troupe where</p> <p>3 we train people who are interested in stunt work and</p> <p>4 give them opportunities to perform by farming them</p> <p>5 out in the area. We also consult for community</p> <p>6 theater and high school theater and professional</p> <p>7 theater in the area. Essentially, anyone who would</p> <p>8 like to pay us to come in and help them make certain</p> <p>9 their stunt work is safe.</p> <p>10 I would, if you don't mind, like to go back</p> <p>11 to the formal training on rigging. I have taken</p> <p>12 classes in climbing.</p> <p>13 Q. Okay.</p> <p>14 A. And you use aspects of that within stunt rigging.</p> <p>15 Q. That would be rock climbing or mountain climbing?</p> <p>16 A. Correct. Both interior artificial walls and free</p> <p>17 climbing.</p> <p>18 Q. And when did you first take classes in climbing?</p> <p>19 A. That would have been 1988, '89.</p> <p>20 Q. Do you have any certification in that area?</p> <p>21 A. No.</p> <p>22</p> <p>23 (Deposition Exhibit No. 1 was marked.)</p> <p>24</p> <p>25 BY MS. COX:</p>	<p>11</p> <p>1 years that I've been doing this, it's obviously a</p> <p>2 couple years behind. The number of shows that we've</p> <p>3 done and where we now have 19 feature film credits,</p> <p>4 not 18.</p> <p>5 Q. Okay. Great.</p> <p>6 A. So a couple things are a little out of date. As far</p> <p>7 as the list of shows that we've staged is now very</p> <p>8 much out of date and was never inclusive. It was</p> <p>9 just to give people a flavor for the type of shows</p> <p>10 that we have choreographed.</p> <p>11 Q. Sure.</p> <p>12 A. As far as not currently engaging in horse stunts, we</p> <p>13 now do engage in horse stunts or we've returned to</p> <p>14 horse stunts. I was a jousting when I was young and</p> <p>15 a couple of our younger guys have decided to take</p> <p>16 that route, so we now have jousting in the troupe</p> <p>17 again. And the stock of equipment is very much out</p> <p>18 of date. We probably have another hundred thousand</p> <p>19 dollars worth of equipment since this list was</p> <p>20 compiled.</p> <p>21 Q. Okay.</p> <p>22 A. Lectures and workshops don't change too much.</p> <p>23 Training, we also include knife training now. And</p> <p>24 I'll have to let our web folk know to update this.</p> <p>25 Q. Well, let me ask you this: Is there anything on</p>
<p>10</p> <p>1 Q. Mr. Barbeau, I have just handed you what we have</p> <p>2 marked for your deposition -- for your testimony</p> <p>3 today as Exhibit 1. Do you recognize the document I</p> <p>4 just handed you?</p> <p>5 A. Yes.</p> <p>6 Q. And what is it?</p> <p>7 A. This is an extract of our web pages where we discuss</p> <p>8 exactly what the -- well, in a broad sense, what the</p> <p>9 Ring of Steel can provide and what it does.</p> <p>10 Q. Okay. And are you familiar with the contents that</p> <p>11 are set forth on this printout from your website?</p> <p>12 A. I have seen it before, yes.</p> <p>13 Q. Okay. If you need to review it, you may. But the</p> <p>14 question that I have for you is whether the</p> <p>15 information that is provided in here is an accurate</p> <p>16 description of both your qualifications and the</p> <p>17 qualifications of those who work with you in Ring of</p> <p>18 Steel?</p> <p>19 A. It's a little out of date in the sense that it</p> <p>20 hasn't been updated in probably three or four years.</p> <p>21 We were the 6,100th some website in existence.</p> <p>22 Being a computer person, I got us on the web nice</p> <p>23 and early. So it's a couple years out of date.</p> <p>24 Q. Okay.</p> <p>25 A. However, it is -- with respect to the number of</p>	<p>12</p> <p>1 here -- other than what may be under inclusive, is</p> <p>2 there anything that isn't accurate?</p> <p>3 A. We no longer own a 16-foot cube van.</p> <p>4 Q. Okay.</p> <p>5 A. No, this is still accurate to the -- this is still</p> <p>6 accurate for the greater part. There's nothing here</p> <p>7 that we don't do or have except for a couple of</p> <p>8 items.</p> <p>9 Q. Okay. If I could direct your attention to the first</p> <p>10 page of Exhibit 1.</p> <p>11 A. Certainly.</p> <p>12 Q. And at the end of the first paragraph it says: The</p> <p>13 Ring of Steel is the largest theatrical combat,</p> <p>14 stunt and special effects troupe in the country and</p> <p>15 the fight stunt arrangers for the Michigan Opera</p> <p>16 Theater. Is that still correct?</p> <p>17 A. The correction to that statement would be we are the</p> <p>18 largest single location group there is. There is a</p> <p>19 group now in Florida that is in seven locations that</p> <p>20 has more membership than we do if you count all</p> <p>21 seven locations.</p> <p>22 Q. Okay.</p> <p>23 A. So that is still accurate. We have very close to a</p> <p>24 hundred members. The entire Society of American</p> <p>25 Fight Directors has 600 members across the whole</p>



<p style="text-align: right;">13</p> <p>1 nation.</p> <p>2 Q. And so you have one sixth of that here in Ann Arbor,</p> <p>3 Michigan?</p> <p>4 A. Correct.</p> <p>5 Q. Also in the second paragraph, I noticed it says: In</p> <p>6 the past 26 years, this team -- referring to the</p> <p>7 members of Ring of Steel --</p> <p>8 A. Correct.</p> <p>9 Q. -- has accumulated a combined 130 years of training</p> <p>10 with -- and you corrected this -- now 19 feature</p> <p>11 film credits and over 320 stage productions.</p> <p>12 So that increase from 18 to 19 film</p> <p>13 credits, is that still accurate?</p> <p>14 A. Yes.</p> <p>15 Q. And tell me, when you include something as a feature</p> <p>16 film credit, what does that mean?</p> <p>17 A. We don't -- when we say feature film, we mean a</p> <p>18 10 million dollar plus professionally shot union</p> <p>19 movie. We do not include student productions, we do</p> <p>20 not include independent films.</p> <p>21 Q. And what would you all do in a feature film or for a</p> <p>22 feature film?</p> <p>23 A. That depends on in what part they've hired us. In</p> <p>24 one of the feature films, we simply provided</p> <p>25 fighters; stunt men, if you will. And in others we</p>	<p style="text-align: right;">15</p> <p>1 the sense that you must jump through these hoops.</p> <p>2 Typically, Maestro is assigned. It's almost like</p> <p>3 sensei. It means a teacher or in my case a master</p> <p>4 teacher, someone who's been working in the industry</p> <p>5 25 plus years and someone in the case -- Maestro</p> <p>6 refers to a sword master, and that is my special</p> <p>7 expertise. It also goes to the fact that I have a</p> <p>8 national title in fencing long, long ago.</p> <p>9 Q. Okay. Were you in the Olympics?</p> <p>10 A. No, I was never in the Olympics. I was one step</p> <p>11 short. I won the nationals and would have had to</p> <p>12 move to New York to participate in training for the</p> <p>13 '76 Olympics.</p> <p>14 Q. In addition to Blues Brothers, which is a movie that</p> <p>15 you worked on, what are some of the other movies</p> <p>16 that Ring of Steel has been involved with?</p> <p>17 A. Hook is probably our biggest credit, Dustin Hoffman,</p> <p>18 Robin Williams; Army of Darkness is a slightly less</p> <p>19 well-known but certainly a cult film that some</p> <p>20 people do know about; our Evil Dead series -</p> <p>21 Sam Rami, a local; however, it was shot in</p> <p>22 Hollywood. The credits go down from there. Ninja</p> <p>23 Nymphs, Warrior Princess. We don't talk about</p> <p>24 Skeeters or Blood Bath or some of the others that</p> <p>25 went straight to video, but they were feature films.</p>
<p style="text-align: right;">14</p> <p>1 have functioned as fight coordinators, we have</p> <p>2 functioned as the armorers and we have in some cases</p> <p>3 functioned as a fight choreographers.</p> <p>4 So we are responsible for training people</p> <p>5 to use swords safely and effectively on such</p> <p>6 productions, things like that.</p> <p>7 Q. And then it says that you subscribe to the standards</p> <p>8 of the Society of American Fight Directors. Is that</p> <p>9 still correct?</p> <p>10 A. Correct.</p> <p>11 Q. At the bottom then it says that the Society of the</p> <p>12 American Fight Directors stands for the highest</p> <p>13 standards in effective and safe theatrical fighting.</p> <p>14 Is that correct?</p> <p>15 A. Correct.</p> <p>16 Q. And is it also true that effective and safe stunts</p> <p>17 regardless of its theatrical fighting or anything</p> <p>18 that you do is something that you all take special</p> <p>19 efforts to insure?</p> <p>20 A. Yes.</p> <p>21 Q. It was a little convoluted of a question but -- it</p> <p>22 then says our Maestro, Chris Barbeau, is the fight</p> <p>23 director for Michigan Theater. Is Maestro a special</p> <p>24 term?</p> <p>25 A. Maestro is a term that it's not granted, although in</p>	<p style="text-align: right;">16</p> <p>1 We live in Michigan. Not a lot of movie work comes</p> <p>2 to Michigan.</p> <p>3 Q. Sure. Earlier you indicated that other than taking</p> <p>4 classes in rock climbing and mountain climbing, you</p> <p>5 have had no formal training in the rigging of</p> <p>6 stunts. How is it that you learned how to rig</p> <p>7 stunts?</p> <p>8 A. I've worked around in the industry so I've met</p> <p>9 individuals who are professionally rigging stunts.</p> <p>10 I've observed the safety precautions that they</p> <p>11 engage in. My sister is a challenge course trainer</p> <p>12 so she trains people who teach on challenge courses,</p> <p>13 and she has observed and come and taught us various</p> <p>14 rigging for performing climbing and the like.</p> <p>15 So that's the closest to formal training</p> <p>16 that I have done.</p> <p>17 Q. Sure.</p> <p>18 A. And I believe she did that for the city of Colorado</p> <p>19 for four years. City of Denver in Colorado.</p> <p>20 Q. And is it your understanding that the manner in</p> <p>21 which you have learned to rig stunts is similar to</p> <p>22 the manner in which most people who rig stunts learn</p> <p>23 to rig stunts?</p> <p>24 MR. LOGAN: I'm sorry, I'm going to object</p> <p>25 to the form of the question as vague and ambiguous</p>

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<p>17</p> <p>1 and lacks foundation. 2 JUDGE GUM: Overruled. 3 BY MS. COX: 4 Q. Did you understand the question? 5 A. I believe so. 6 Q. Okay. Then you may answer. 7 A. The standards that I apply when rigging a stunt are 8 consistent to what I have observed from other stunt 9 riggers. 10 Q. And as I understood what you are describing and the 11 manner in which you learned to rig stunts was 12 basically by watching and doing and learning from 13 others? 14 A. Correct. 15 Q. And is it your understanding that that is how most 16 stunt rigging is learned? 17 MR. LOGAN: Object to the form of the 18 question, calls for speculation. 19 JUDGE GUM: Overruled. He may answer if he 20 knows. 21 THE WITNESS: In this particular industry, 22 many people learn by being apprentices, and that is 23 the path that I followed and the path that people 24 who are studying with me follow. 25 BY MS. COX:</p>	<p>19</p> <p>1 Q. Have you ever seen a stunt or are you familiar with 2 any stunts where a person is lowered from a ceiling 3 down to the ground? 4 A. Yes. 5 Q. And what term do you use for that type of stunt? 6 A. We call that a fly. 7 Q. And would you call it a fly or a fly-in stunt 8 regardless of whether it's a direct vertical descent 9 or if it is a diagonal entry? 10 A. Any time that we support the human body and we raise 11 it off the floor, whether it is in a descending mode 12 or an ascending mode, we consider that a fly. 13 Q. So that if I used the term fly -- a flying stunt as 14 we talk today, that will refer to -- can we agree 15 that that will refer to any time the human body is 16 supported off the ground? 17 A. Yes. 18 Q. And I want to make sure that the jury and that we -- 19 that I understand fully what your testimony is. 20 When we use the word to rig a stunt, what exactly 21 does that mean? 22 A. It's very specific to the stunt, but rigging a stunt 23 means providing any necessary infrastructure for the 24 stunt -- the desired stunt to take place. We're 25 hired to fulfill very specific functions. So a</p>
<p>18</p> <p>1 Q. Okay. 2 A. To the extent that we even called our trainees up 3 through various levels, at the highest level they 4 become journeymen which is the same in any trade 5 that you have learned by studying with a master. 6 Q. Now, when you use the term apprentice and 7 journeyman, is there a formal designation of 8 apprentice and journeyman in stunt rigging or are 9 you using those terms to convey to us and to the 10 jury the method that somebody learns from the 11 teacher? 12 A. I'm using it to convey that method. There are, to 13 the best of my knowledge, no national standards 14 associated with certifying someone in rigging for 15 stunts. You can be certified in stage rigging but 16 that is not stunts and has nothing to do with stunt 17 rigging. 18 Q. And stage rigging would be things like rigging 19 lighting? 20 A. Hanging things from within a theater system for 21 hanging. 22 Q. Such as audio equipment and lighting? 23 A. Backdrops. 24 Q. Okay. 25 A. Set pieces that fly in and out.</p>	<p>20</p> <p>1 stunt might be as simple as placing a charge at a 2 particular point that's detonated under certain 3 circumstances. It may be as complicated as setting 4 up a huge scaffolding that is designed to support an 5 individual and/or more than one individual such that 6 they are -- they could be lifted and transported 7 around the stage. 8 So to rig a stunt includes all the aspects 9 of that. 10 Q. Okay. And when you use the term to provide the 11 infrastructure, would it be fair to call that the 12 equipment? 13 A. Yes. 14 Q. So how do you determine when you are rigging a stunt 15 what equipment you will use? 16 A. It's very specific to the stunt. 17 Q. So it depends on what is required by the stunt? 18 A. Yes. And it's sometimes specific to the individual 19 performing the stunt. 20 Q. Can you explain what you mean by that? 21 A. The body weight of the individual. If I'm flying a 22 350-pound man -- and I'm couching this in flying 23 terms since that seems to be the topic at hand -- 24 the precautions I will take are considerably 25 different than the ones I would take with a 95-pound</p>



<p style="text-align: right;">29</p> <p>1 looking for at least a thousand pounds of lift 2 capacity rated and then, of course, the equipment 3 that's rated, that often has another safety margin 4 on top of that. 5 We explain to them that we will often 6 demonstrate it with one of our professionals before 7 so that they have a mental image of what it's going 8 to look like. 9 Q. So if I can just clarify that. 10 A. This all depends on how uncomfortable they are too. 11 Q. Sure. If I can clarify that. When you say to 12 demonstrate it, if you were doing a descent -- 13 A. Yes. 14 Q. -- from a ceiling to the floor, -- 15 A. Yes. 16 Q. -- you would have one of your people put on the 17 equipment, execute the descent? 18 A. Correct. 19 Q. Okay. And that would be the demonstration that 20 you're referring to? 21 A. Yes. 22 Q. Okay. And then would you -- then you would also 23 allow the performer to execute the descent? 24 A. Yes. They would simply be lifted, become 25 comfortable with the equipment, perhaps as little as</p>	<p style="text-align: right;">31</p> <p>1 Q. Such as? 2 A. Stunt gel for burns, that sort of thing. You know, 3 Nomex suits. I don't get that from Amspec. 4 Q. And exactly what does Amspec produce? 5 A. They -- 6 MR. LOGAN: Object to the form of the 7 question, calls for speculation. 8 JUDGE GUM: Overruled. 9 THE WITNESS: Their catalog enumerates a 10 wide variety of devices for hoisting and supporting 11 the human body that are worn. 12 BY MS. COX: 13 Q. Okay. And then when you rig a stunt -- and let's 14 focus our conversation on ascents and descents. 15 A. Okay. 16 Q. When you rig a descent or an ascent, is there 17 hardware that you utilize? 18 A. Yes. 19 Q. And what do you call that hardware? Well, that's a 20 bad question because I know there's a lot of 21 different stuff that -- the question was vague. 22 So let me ask you this: Are you aware of 23 any company that manufacturers hardware that can be 24 used in ascents and descents that the company 25 manufacturers it solely for use in stunts?</p>
<p style="text-align: right;">30</p> <p>1 six inches off the floor, raising them gradually 2 until -- if they have a fear of heights it can take 3 a couple of hours to get them to trust the equipment 4 sufficiently. I've never had anybody go longer than 5 that. Then we have -- we'll start the actual 6 rehearsal process with them executing the stunt. 7 Q. And once they convey to you that they're comfortable 8 with it, then is that all the assurance you're 9 looking for? 10 A. Correct. It's the actor comfort and that the 11 director is seeing what he wants to see. 12 Q. Okay. 13 A. I have had executive producers decide that they 14 thought it looked too dangerous. 15 Q. Are you aware of any company that manufacturers 16 hardware solely for use in stunts? 17 A. Hardware? 18 Q. Equipment. 19 A. Yes. 20 Q. And who is that? 21 A. Amspec Stunt Sewing team. 22 Q. Any others? 23 A. Depending on the equipment. For flying, Amspec is 24 where we go. I am aware of others but they produce 25 other types of equipment.</p>	<p style="text-align: right;">32</p> <p>1 A. Solely for use in stunts? 2 Q. Yes. 3 A. No. 4 Q. Tell me what hardware would be required to rig an 5 ascent or descent. 6 MR. LOGAN: Object to the form of the 7 question as vague and ambiguous. 8 JUDGE GUM: Overruled. He may answer if he 9 knows. 10 THE WITNESS: The type of equipment 11 selected would depend very much on the look the 12 director wished to achieve. In the case of 13 something like Peter Pan, we don't want the cable 14 visible so we would use a fine stranded steel cable. 15 BY MS. COX: 16 Q. Uh-huh. 17 A. In the case of a stunt where it did not matter, for 18 instance, our pirate magic danger show where the 19 pirates are obviously swinging in on ropes, in that 20 case the ropes can be clearly visible so we would 21 use ropes. The attachment point to the individual 22 performer would typically be one of these Amspec 23 vests or shorts. Those are the two items that we 24 have. They do sell full suits designed for multiple 25 point lifts. And we use climbing hardware that's</p>

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<p>33</p> <p>1 designed for commercial climbing to attach.</p> <p>2 In the case where an individual needs to be</p> <p>3 quickly -- to quickly get off of the lift equipment,</p> <p>4 we have used as a safety a quick-release turnbuckle</p> <p>5 that we purchased from Amspec.</p> <p>6 Q. Let's talk about specifically the attachment that</p> <p>7 you use in between the rope or the wire and the vest</p> <p>8 that the actor is wearing. And you mentioned that</p> <p>9 you use quick -- you have used quick releases?</p> <p>10 A. Yes.</p> <p>11 Q. And in what type of -- in what situation would you</p> <p>12 choose to use a quick release?</p> <p>13 A. In an instance where the actor needed to immediately</p> <p>14 continue in the execution of their performance after</p> <p>15 landing such that they could no longer be attached</p> <p>16 or would leave the area where the lift/descent had</p> <p>17 to occur.</p> <p>18 Q. And the quick releases that you have used for that,</p> <p>19 have you used more than one kind?</p> <p>20 A. No. We've only used the single item we received</p> <p>21 from Amspec.</p> <p>22 Q. Is that what, a Lewmar trigger-latch shackle?</p> <p>23 A. Yes. I believe Lewmar is the manufacturer. It is a</p> <p>24 trigger-latch shackle.</p> <p>25</p>	<p>35</p> <p>1 recollection -- well, does that appear to be the</p> <p>2 trigger-latch shackle that you purchased?</p> <p>3 MR. LOGAN: Object to the form of the</p> <p>4 question, lacks foundation, vague and ambiguous. I</p> <p>5 think it's leading also.</p> <p>6 JUDGE GUM: Objection will be sustained as</p> <p>7 to leading.</p> <p>8 BY MS. COX:</p> <p>9 Q. Can you please tell me on this document if it refers</p> <p>10 to the trigger-latch shackle that you purchased from</p> <p>11 Amspec?</p> <p>12 A. Line five in the item section refers to the best of</p> <p>13 my recollection to the quick-release shackle that we</p> <p>14 requested from Amspec.</p> <p>15 Q. Okay. Line five says: Snap shackle quick release</p> <p>16 No. 5120; is that correct?</p> <p>17 A. Correct.</p> <p>18 Q. And what was the purchase price for that shackle?</p> <p>19 A. One hundred dollars.</p> <p>20 Q. Could you please describe for the jury different</p> <p>21 ways in which you have used the Lewmar trigger-latch</p> <p>22 shackle.</p> <p>23 MR. LOGAN: I'm going to object to the form</p> <p>24 of the question as it misstates his prior testimony.</p> <p>25 Mr. Barbeau testified he did not recall whether the</p>
<p>34</p> <p>1 (Deposition Exhibit No. 2 was marked.)</p> <p>2</p> <p>3 THE WITNESS: What year did we buy it?</p> <p>4 BY MS. COX:</p> <p>5 Q. I'm going to hand you now what has been marked as</p> <p>6 Exhibit 2.</p> <p>7 A. Okay. I looked for the invoice and we weren't able</p> <p>8 to locate it.</p> <p>9 Q. Okay. Do you recognize what has been marked as</p> <p>10 Exhibit 2?</p> <p>11 A. Yes.</p> <p>12 Q. What is that?</p> <p>13 A. That is an invoice to the Ring of Steel from Amspec</p> <p>14 Stunt Sewing Team.</p> <p>15 Q. What date was this invoice?</p> <p>16 A. 1998.</p> <p>17 Q. And was it June 30th of 1998?</p> <p>18 A. Correct.</p> <p>19 Q. And is your recollection that on or around</p> <p>20 June 30th, 1998 is when you purchased from Amspec a</p> <p>21 trigger-latch shackle?</p> <p>22 A. Yes.</p> <p>23 Q. If you'll look at the final item on Exhibit No. 2,</p> <p>24 it shows snap shackle quick release No. 5120 for one</p> <p>25 hundred dollars. Is that consistent with your</p>	<p>36</p> <p>1 quick release provided by Amspec on invoice</p> <p>2 No. Exhibit 2 was a Lewmar trigger-latch shackle.</p> <p>3 MS. COX: Let's take a break.</p> <p>4 VIDEO TECHNICIAN: Off the record at</p> <p>5 2:01 p.m.</p> <p>6 MR. LOGAN: Before we go off the record,</p> <p>7 can we rule on the objection?</p> <p>8 MS. COX: I'm going to go get it and show</p> <p>9 it to him.</p> <p>10 JUDGE GUM: Objection -- the objection will</p> <p>11 be sustained. We'll take a break.</p> <p>12 (A brief recess was taken.)</p> <p>13 VIDEO TECHNICIAN: We're back on the record</p> <p>14 at 2:11 p.m.</p> <p>15 BY MS. COX:</p> <p>16 Q. Mr. Barbeau, I'm going to hand you a Lewmar</p> <p>17 trigger-latch shackle, if you could take a look at</p> <p>18 that.</p> <p>19 A. Uh-huh.</p> <p>20 Q. Does that appear to you to be the same trigger-latch</p> <p>21 shackle?</p> <p>22 A. It does appear to be the same.</p> <p>23 Q. And if, in fact, the No. 5120 which is on Exhibit 2,</p> <p>24 the invoice, matches both the Amspec catalog and</p> <p>25 Lewmar's internal numbers, referencing the</p>



<p style="text-align: right;">41</p> <p>1 document that he's never seen before, not testifying 2 on personal knowledge. 3 JUDGE GUM: Well, the representation to the 4 witness was that this is a page out of the Amspec 5 catalog and he has testified that he has -- he's 6 familiar with the catalog; is that correct? 7 MS. COX: No. Actually, this is a page out 8 of a Lewmar catalog, but my question was -- 9 JUDGE GUM: Well, the objection will be 10 sustained. 11 MS. COX: My question, though, was simply 12 whether this depiction, the photograph, depicts the 13 trigger-latch shackle that he purchased from Amspec. 14 MR. LOGAN: Same objection. 15 MS. COX: And it does. 16 MR. LOGAN: Same objection, Your Honor. 17 And even further, the qualification of the end of 18 counsel's statement is objected to. Mr. Barbeau has 19 not seen this document before and he's being asked 20 to interpret a document that he's never seen before 21 and he's not testifying as to his personal 22 knowledge. 23 JUDGE GUM: Well, whether or not he's seen 24 the document before is immaterial. It's whether or 25 not he recognizes the items that are depicted on the</p>	<p style="text-align: right;">43</p> <p>1 Q. But you essentially do know what the trigger-latch 2 shackle you purchased looks like; is that correct? 3 A. That's correct. 4 Q. And does it appear to be the same trigger-latch 5 shackle? 6 A. It does appear to be the same. 7 Q. Yes. Where is the trigger-latch shackle that you 8 own currently? 9 A. It should be in our flying rigging box which is 10 stored in one of our storage facilities. I'm not 11 certain exactly what the location would be at this 12 moment. Meaning how fast could I get it? 13 Q. Or have somebody verify that it says Lewmar on it. 14 A. We're not staffed during the day. We're a nighttime 15 operation so -- I mean, we're a theater troupe. So 16 if it is where I believe it to be, it would take -- 17 I would have to go to it, and it would take me at 18 least a half an hour to get there. 19 Q. To get there, not to get there and get back? 20 A. Correct. 21 Q. Okay. Let's -- 22 A. I am, in fact, happy to provide the item in question 23 at any point. 24 Q. Okay. 25 MS. COX: Let's go off the record and take</p>
<p style="text-align: right;">42</p> <p>1 document. 2 So you may testify as to whether or not you 3 recognize the items that are depicted on the 4 document. 5 THE WITNESS: The Xerox copy of this 6 document appears to represent the shackle that both 7 you have shown me and that I have in my possession. 8 BY MS. COX: 9 Q. Okay. 10 A. I have, however, never seen this particular 11 depiction of it prior to this. 12 Q. You've not seen an actual Lewmar catalog? 13 A. Correct. 14 Q. But you have seen an Amspec catalog? 15 A. Correct. 16 Q. And the Amspec catalog also had depictions in it of 17 the trigger-latch shackle that you purchased? 18 MR. LOGAN: Objection to the form of the 19 question. 20 JUDGE GUM: Sustained. 21 BY MS. COX: 22 Q. Did the Amspec catalog that you reviewed have in it 23 a picture of the trigger-latch shackle that you 24 purchased? 25 A. I don't recall.</p>	<p style="text-align: right;">44</p> <p>1 a break. 2 VIDEO TECHNICIAN: Off the record 2:19 p.m. 3 (A brief recess was taken.) 4 (Deposition Exhibit No. 4 was marked.) 5 VIDEO TECHNICIAN: We're back on the record 6 at 4:10 p.m. 7 BY MS. COX: 8 Q. Mr. Barbeau, have you now obtained the actual 9 trigger-latch shackle that you purchased from 10 Amspec, Inc.? 11 A. Yes. 12 Q. And is it this trigger-latch shackle which has been 13 marked as Exhibit No. 4? 14 A. Yes, it is. 15 Q. Okay. And can you tell from looking at that who the 16 manufacturer of that trigger-latch shackle is? 17 A. Lewmar - England is on the device. 18 Q. What it says. And the Lewmar trigger-latch shackle 19 that had previously been marked in a deposition as 20 Plaintiff's Exhibit 10 that I am holding, I'm going 21 to hand this to you and ask you to compare the two 22 and tell me if they appear to be the same type of 23 shackle. 24 A. Yes, they appear to be the same type of shackle. 25 Q. Obviously, they're not the same shackle?</p>



<p style="text-align: right;">45</p> <p>1 A. Correct.</p> <p>2 Q. But they're the same model of shackle?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Did you only purchase one of these shackles</p> <p>5 from Amspec?</p> <p>6 A. Yes, we did.</p> <p>7 Q. And have you only purchased one of these shackles,</p> <p>8 period?</p> <p>9 A. Yes, we only own one of these shackles.</p> <p>10 Q. Okay. And from Exhibit 2, then, can you tell what</p> <p>11 the number is that Lewmar or, I'm sorry, that Amspec</p> <p>12 is using to identify that particular shackle?</p> <p>13 A. No. 5120.</p> <p>14 Q. Could you now, if you would, please, describe for</p> <p>15 the jury the ways in which you have used the Lewmar</p> <p>16 trigger-latch shackle.</p> <p>17 A. We have used this as the primary suspension point</p> <p>18 for an actor/performer. None of the actors have</p> <p>19 exceeded about 180 pounds, and this has been used to</p> <p>20 affix to an attach point on their harness that</p> <p>21 they're wearing and then the top was affixed via a</p> <p>22 caribeenner both to a rope and to a steel cable and</p> <p>23 to a kevlar cable. I've used all three at times.</p> <p>24 Q. So you've used that particular shackle on more than</p> <p>25 one occasion?</p>	<p style="text-align: right;">47</p> <p>1 A. The performer, she was wearing a pair of shorts, fly</p> <p>2 shorts, and this was attached to the side of the fly</p> <p>3 shorts. There's a soft pick point -- technical</p> <p>4 term -- essentially, a nylon loop that has been</p> <p>5 made out of a ballistic nylon that's been sewn onto</p> <p>6 the side of the shorts, and this was passed through</p> <p>7 that. And then while it was already preattached to</p> <p>8 a steel cable, the individual performer would slide</p> <p>9 this through connecting herself to it, close it, and</p> <p>10 then she stepped out into the air and was lowered</p> <p>11 down.</p> <p>12 Q. And how far off the ground was she when she stepped</p> <p>13 out into the air?</p> <p>14 A. Ten or 12 feet.</p> <p>15 Q. And then when she lowered to the ground, how would</p> <p>16 she then release from the trigger-latch shackle or</p> <p>17 would she?</p> <p>18 A. When she arrived on the ground and her weight was</p> <p>19 off of the cable, she would pull the release.</p> <p>20 Q. Okay. And so this black cord here that is attached</p> <p>21 to Exhibit No. 4, did this come attached to it when</p> <p>22 you ordered it from Amspec?</p> <p>23 A. Yes, it did.</p> <p>24 Q. And this cord is then used to trigger the release</p> <p>25 mechanism to open the trigger-latch shackle; is that</p>
<p style="text-align: right;">46</p> <p>1 A. Yes.</p> <p>2 Q. And you have used it as a sole attachment between</p> <p>3 either a rope or another hanging --</p> <p>4 A. Between some suspension device and the performer.</p> <p>5 Q. Okay. And do you recall about how many times you've</p> <p>6 used this trigger-latch shackle in that manner?</p> <p>7 A. A number --</p> <p>8 MR. LOGAN: Object to the form of the</p> <p>9 question as vague and ambiguous.</p> <p>10 JUDGE GUM: Overruled. You may answer if</p> <p>11 you understand the question.</p> <p>12 THE WITNESS: I couldn't give you a</p> <p>13 specific number of times it has been used. It's</p> <p>14 been used in at least three performances, and the</p> <p>15 dark entertainment industry I could not tell you how</p> <p>16 many evenings that we've used it. I don't have a</p> <p>17 record of that.</p> <p>18 BY MS. COX:</p> <p>19 Q. Okay. And what are the three performances that it</p> <p>20 has been used in?</p> <p>21 A. It was used in Peter Pan, it was used in</p> <p>22 Il Trovatore, and it was used in A Mac Beth.</p> <p>23 Q. If we could start with Peter Pan, can you tell me</p> <p>24 specifically how this particular trigger-latch</p> <p>25 shackle was used in Peter Pan?</p>	<p style="text-align: right;">48</p> <p>1 what you're describing?</p> <p>2 A. Correct.</p> <p>3 MR. LOGAN: Object to the form of the</p> <p>4 question as leading and suggestive.</p> <p>5 JUDGE GUM: It is leading. Sustained.</p> <p>6 BY MS. COX:</p> <p>7 Q. Could you demonstrate for the jury how the performer</p> <p>8 would release him or herself from the trigger-latch</p> <p>9 shackle?</p> <p>10 A. She was instructed to grab the shackle between thumb</p> <p>11 and forefinger such that she had ahold of the cable</p> <p>12 as well so she could feel whether she had any weight</p> <p>13 on the cable and then she was instructed to pull</p> <p>14 this in order to release the shackle.</p> <p>15 Q. Okay. And other than --</p> <p>16 A. She simply at that point walked away and let it</p> <p>17 swing free behind her leaving it.</p> <p>18 Q. Okay. And other than the stepping out into the air</p> <p>19 and being descended with the trigger-latch shackle</p> <p>20 as the sole connection point, were there any other</p> <p>21 ways in which the trigger-latch shackle was used in</p> <p>22 the Peter Pan performance?</p> <p>23 A. No.</p> <p>24 Q. Let's talk about Il Trovatore.</p> <p>25 A. Il Trovatore.</p>

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49

1 Q. That.

2 A. Right.

3 Q. Let's talk about that.

4 A. Right.

5 Q. In what way was the trigger-latch shackle used in

6 that performance?

7 A. The principal performer had to walk up a cliff, a

8 cable was already attached to her at that point with

9 the shackle, and she had to fall forward off of the

10 cliff away from the audience such that this was in

11 the middle of her back, lower middle back. She was

12 wearing a climbing harness, and we used a back lower

13 pick point on that. This was run through that by a

14 stage hand. She performed for about eight or nine

15 minutes singing what's called an aria and then she

16 turned and walked up the cliff and stepped off into

17 the air with a -- a black kevlar cable was her sole

18 support connected to this.

19 She was then lowered -- as soon as she fell

20 forward, there were people on the rope, on the line

21 maintaining tension, so there was no slack. There

22 was no jerk on this. But as soon as she fell

23 forward out of sight, she was then lowered about 10

24 to 12 feet to the ground.

25 Q. And then when she landed on the ground, how did she

50

1 release?

2 A. She didn't. A technician was there to release it

3 for her.

4 Q. Okay.

5 A. And that technician would have released it. I don't

6 know if they would have grabbed it by the strap or

7 here. I wasn't the technician. The technician that

8 performed it knows it can be released one of two

9 ways, so whatever their preference method was.

10 Q. Can you demonstrate?

11 A. The two methods that I'm familiar with in opening

12 the shackle are pulling what was represented to us

13 by Amspec as the quick release cable. The other way

14 which it indicates on this that you use a spike to

15 open but, in fact, with a modest amount of finger

16 strength. It opens easily simply by squeezing and

17 it pops open in here.

18 Q. And you indicated that the performers that were

19 attached using this trigger-latch shackle were no

20 greater than 180 pounds?

21 A. Correct.

22 Q. Do you know what the weight limitations are for this

23 shackle?

24 A. No, not from the manufacturer. The company from

25 which we purchased it, Amspec, represented that it

51

1 would manage a 300-pound person. That wasn't what

2 we were using it for so I didn't investigate

3 further.

4 Q. And was the trigger-latch shackle used in any other

5 manner in Il Trovatore?

6 A. Tore.

7 Q. Thank you.

8 A. No, it was not.

9 Q. Could you please describe for the jury how the

10 trigger-latch shackle was used in the A Mac Beth

11 performance?

12 A. In A Mac Beth, which is a version of Mac Beth that

13 is pretty far out there, if you will, it's very

14 interpretive. Lots of pyrotechnics, lots of sound

15 and light and music that you wouldn't associate with

16 a traditional Mac Beth including which is flying

17 over the heads of the audience, directly out over

18 their heads, performers swinging out over the heads

19 of the audience.

20 The stage was actually built up above their

21 heads and the audience would sit in small units

22 gazing up at the performance that occurred all

23 around them. It's a particular style

24 of theater and had a great many technical demands.

25 This was specifically used for one of the

52

1 witches that delivers Mac Beth's sword to him on

2 stage, and that character had a need not only to be

3 able to fly during the performance and swing around

4 but had to be able to get off that line quickly. So

5 because she transforms into Lady Mac Beth and thus

6 has much more involvement in the rest of the scene.

7 So just because she had that need for a fast

8 release, this shackle was used to fly her.

9 Q. Okay. And where did she -- where did her -- when

10 you say to fly her, did she fly from one point to

11 another point?

12 A. Yes. Yes, she did.

13 Q. Could you describe that?

14 A. She started from a platform that was about 14 feet

15 up in the air at the back of the theater and she

16 stepped off of that platform after taking up her own

17 slack by simply stepping down, and there was a

18 suspension cable that ran the length of the theater

19 and she controlled her pace down that using a

20 specialized zip line trolley that has a brake on it.

21 And when she landed on stage, it was sort

22 of a runoff where she would zip down and run off

23 onto the stage and then she would release herself.

24 Q. By pulling on the cord attached to the trigger-latch

25 shackle?



<p style="text-align: right;">53</p> <p>1 A. Correct.</p> <p>2 Q. So during the A Mac Beth performance, the witch that</p> <p>3 used the trigger-latch shackle, was she attached —</p> <p>4 was the sole point of attachment between her and the</p> <p>5 line on which she was suspended the trigger-latch</p> <p>6 shackle?</p> <p>7 A. Yes, it was.</p> <p>8 Q. And did she actually fly over the audience?</p> <p>9 A. Yes.</p> <p>10 Q. And are the seats in that theater, are they —</p> <p>11 A. The theater is actually no longer existent but at</p> <p>12 that time they were slightly raked.</p> <p>13 Q. Okay. And what was the highest point that she would</p> <p>14 have been in the air over the heads of people in the</p> <p>15 audience?</p> <p>16 A. About 22 feet. And that would have been from her</p> <p>17 feet to the floor, not to the heads of the audience,</p> <p>18 obviously.</p> <p>19 Q. Could you please describe to the jury specifically</p> <p>20 what about this trigger-latch shackle and its design</p> <p>21 is useful to you?</p> <p>22 A. The two features that are most useful to us first is</p> <p>23 the heavy — is what appears to be a very heavy</p> <p>24 construction, very solid construction, and the fact</p> <p>25 that we felt that we could have considerable</p>	<p style="text-align: right;">55</p> <p>1 such that it did not have a steel ring on it, this</p> <p>2 ring right here that the lanyard is attached to.</p> <p>3 A. Yes.</p> <p>4 Q. If it did not have the steel ring attached to it,</p> <p>5 would its usefulness to you be affected at all?</p> <p>6 MR. LOGAN: Object to the form of the</p> <p>7 question, calls for speculation.</p> <p>8 JUDGE GUM: Overruled.</p> <p>9 THE WITNESS: The difficulty in operating</p> <p>10 this mechanism by way of the finger through this</p> <p>11 hole where it says use a spike in order to operate,</p> <p>12 if that were the sole method of releasing it, its</p> <p>13 usefulness to us would be diminished. Many actors</p> <p>14 simply could not operate it that way with</p> <p>15 insufficient hand strength.</p> <p>16 The other part of your question is really</p> <p>17 more than just the ring. It's were there any way</p> <p>18 for me to attach something to it to release it that</p> <p>19 way. If that didn't exist, yes, the usefulness of</p> <p>20 this would be diminished to us.</p> <p>21 Is that volunteering too much information?</p> <p>22 JUDGE GUM: You're entitled to answer the</p> <p>23 question any way you want to.</p> <p>24 THE WITNESS: Very good.</p> <p>25 JUDGE GUM: And if you answer yes or no,</p>
<p style="text-align: right;">54</p> <p>1 confidence in its operation, and the quick release.</p> <p>2 Q. Is there anything specific about the quick release</p> <p>3 that is helpful for your uses?</p> <p>4 A. As opposed to some — I'm sorry, clarify what you</p> <p>5 mean, what you're looking for.</p> <p>6 Q. Okay. Is the cord that's attached to the</p> <p>7 trigger-latch shackle useful to you?</p> <p>8 MR. LOGAN: Object to the form of the</p> <p>9 question, leading and suggestive.</p> <p>10 JUDGE GUM: I'm sorry, I didn't hear the</p> <p>11 question. Could you repeat it, please.</p> <p>12 BY MS. COX:</p> <p>13 Q. Is the cord which is attached to the trigger-latch</p> <p>14 shackle, which sometimes we call that a lanyard, is</p> <p>15 that useful to you in your — for your purposes?</p> <p>16 MR. LOGAN: Same objection.</p> <p>17 JUDGE GUM: Overruled.</p> <p>18 THE WITNESS: The cord that is attached to</p> <p>19 it is useful. It's not necessary for its operation.</p> <p>20 BY MS. COX:</p> <p>21 Q. Okay. Could you explain that for me.</p> <p>22 A. Any type of lanyard could be attached to the ring or</p> <p>23 no lanyard at all. The ring in and of itself is</p> <p>24 actually quite adequate for operation.</p> <p>25 Q. Okay. If the trigger-latch shackle was designed</p>	<p style="text-align: right;">56</p> <p>1 you're entitled to explain your answer.</p> <p>2 BY MS. COX:</p> <p>3 Q. Mr. Barbeau, I'm going to hand you what has been</p> <p>4 marked as Exhibit No. 5 and ask you to look at that.</p> <p>5 Have you ever seen a shackle like Exhibit No. 5?</p> <p>6 A. No. No, I have not seen this particular model of</p> <p>7 shackle.</p> <p>8 Q. Does that shackle have a name on it that you can</p> <p>9 see? You can take it out of the bag if you need to.</p> <p>10 A. It says Gibb on it.</p> <p>11 Q. Okay. Looking at that shackle, does that shackle</p> <p>12 have the same — does it appear — does this shackle</p> <p>13 appear to you — let me rephrase my question.</p> <p>14 Is the design of this shackle as useful to</p> <p>15 you as the design of the Lewmar trigger-latch</p> <p>16 shackle?</p> <p>17 MR. LOGAN: Object to the form of the</p> <p>18 question. It lacks foundation. He's said he's</p> <p>19 never seen the shackle before.</p> <p>20 JUDGE GUM: He may answer the question if</p> <p>21 he's able to.</p> <p>22 THE WITNESS: One of the responsibilities</p> <p>23 of any stunt coordinator is that you evaluate the</p> <p>24 soundness of the equipment for the tasks, especially</p> <p>25 since we adapt many things that are not designed for</p>



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1 stunts, human load bearing, etcetera. We have to  
2 adapt many pieces of equipment.  
3 If I were asked to evaluate this my just  
4 initial reaction at this moment is that all of the  
5 force that would be applied against this shackle is  
6 acting on a very small, perhaps not even an eighth  
7 of an inch perhaps, I don't know, 3/32nds of an inch  
8 piece of steel that appears to be cast.  
9 So as opposed to the force acting against  
10 what while it's a small step is the entire width of  
11 this particular shackle. So I would be  
12 significantly concerned about the load-bearing  
13 qualities of this in terms of trusting it for human  
14 support.  
15 BY MS. COX:  
16 Q. And when you're saying this, just to clarify it,  
17 you're talking about Exhibit No. 5 --  
18 A. Yes.  
19 Q. -- the Gibb shackle? Is that what it says on it?  
20 A. Yes, it is.  
21 Q. Okay.  
22 A. Gibb shackle, and it is marked Exhibit No. 5. So  
23 the fact that this has a very convenient release  
24 mechanism but that release mechanism is based on a  
25 very small pin being the only thing holding it

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1 closed, and I would have some concerns about that.  
2 Q. And does the design of the Gibb shackle have  
3 anything to which -- from your review of it right  
4 now, is there anything to which you could attach a  
5 lanyard of any sort?  
6 A. Yes.  
7 Q. What is that?  
8 A. A lanyard could be run through this center hole such  
9 that this spring does not have a sufficient load  
10 that you could -- that it would inhibit the  
11 operation of a lanyard. A lanyard could be run  
12 through that load to be pulled and released to pull  
13 this lever upward inside.  
14 Q. Is there any ring on there that appears -- is there  
15 any --  
16 A. There is no clear and obviously designed attachment  
17 point for a lanyard, although a lanyard could be  
18 passed through this hole and made to work.  
19 Q. And on the Lewmar trigger-latch shackle, is there a  
20 clear place that appears to be designed for the  
21 purpose of a lanyard to be passed through?  
22 MR. LOGAN: Object to the form of the  
23 question, leading, suggestive and lacks foundation.  
24 JUDGE GUM: Would you repeat the question?  
25 I'm sorry, I can't hear you when you're faced that

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1 direction.  
2 MS. COX: I'm sorry. I'm sorry.  
3 (Reporter read pending question.)  
4 JUDGE GUM: Overruled. You may answer.  
5 THE WITNESS: Yes. It appears that the  
6 ring provides a clear point for attachment.  
7 BY MS. COX:  
8 Q. I believe that you testified earlier that you  
9 purchased the Lewmar trigger-latch shackle from  
10 Amspec on or about June 30th of 1998; is that an  
11 accurate date?  
12 A. Yes, that is accurate.  
13 Q. Okay. Were you aware that prior to June 30th of  
14 1998, Lewmar knew of two previous serious accidents  
15 involving use of that trigger-latch shackle in stunt  
16 applications?  
17 A. No, I wasn't.  
18 MR. LOGAN: Object to the form of the  
19 question, lacks foundation.  
20 JUDGE GUM: Overruled.  
21 THE WITNESS: No, I was unaware of any  
22 incidents related to this specific make and model of  
23 shackle.  
24 BY MS. COX:  
25 Q. Were you aware prior to today that Lewmar

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1 specifically warned its customers in Europe not to  
2 use a trigger-latch shackle in stunt applications?  
3 MR. LOGAN: Object to the form of the  
4 question, lacks foundation, misstates the record.  
5 JUDGE GUM: Overruled.  
6 THE WITNESS: I was -- the yes/no answer is  
7 yes, I was aware. When I was contacted by one of  
8 your associates from your office, they informed me  
9 after an initial interview conversation that there  
10 were indeed some incidents and this warning had been  
11 issued.  
12 BY MS. COX:  
13 Q. And prior to that?  
14 A. No.  
15 Q. Prior to your involvement or being contacted in  
16 connection with this lawsuit, were you aware that  
17 Lewmar had warned its distributors in mid Europe not  
18 to sell this trigger-latch shackle for use in stunt  
19 applications?  
20 A. No, I wasn't.  
21 MR. LOGAN: Object to the form of the  
22 question, lacks foundation, misstates the record.  
23 JUDGE GUM: Overruled.  
24 THE WITNESS: No, I was not.  
25 BY MS. COX:



<p style="text-align: right;">61</p> <p>1 Q. How did you learn about Amspec?</p> <p>2 A. I believe they were recommended to me by a friend</p> <p>3 who also works in the stunt industry who's a</p> <p>4 resident in LA.</p> <p>5 Q. And was there a specific purpose for which you</p> <p>6 purchased -- initially purchased the Lewmar</p> <p>7 trigger-latch shackle?</p> <p>8 A. Yes.</p> <p>9 Q. What was that?</p> <p>10 A. That was our stunt show at the Michigan Renaissance</p> <p>11 Festival that started in 1999.</p> <p>12 Q. Okay. And did you use the Lewmar trigger-latch</p> <p>13 shackle at that show?</p> <p>14 A. Yes.</p> <p>15 Q. Do you recall the packaging that the Lewmar</p> <p>16 trigger-latch shackle came in?</p> <p>17 A. No, I do not.</p> <p>18 Q. Do you recall whether you were informed that the</p> <p>19 trigger-latch shackle, the Lewmar trigger-latch</p> <p>20 shackle was inappropriate for use in stunt work?</p> <p>21 MR. LOGAN: Object to the form of the</p> <p>22 question, lacks foundation, calls for speculation.</p> <p>23 JUDGE GUM: Overruled.</p> <p>24 THE WITNESS: I was not informed by Amspec</p> <p>25 nor did I receive any materials that I recall with</p>	<p style="text-align: right;">63</p> <p>1 between two points that can be quickly released when</p> <p>2 you take an affirmative action to release it?</p> <p>3 MR. LOGAN: Object to the form of the</p> <p>4 question, lacks foundation, calls for speculation</p> <p>5 and is vague and ambiguous.</p> <p>6 JUDGE GUM: Overruled. He may answer if he</p> <p>7 understands the question.</p> <p>8 THE WITNESS: You want to read the question</p> <p>9 back to me again?</p> <p>10 (Reporter read pending question.)</p> <p>11 THE WITNESS: No.</p> <p>12 BY MS. COX:</p> <p>13 Q. Have you ever received any warning that the use of</p> <p>14 the trigger-latch shackle should be limited in some</p> <p>15 fashion?</p> <p>16 MR. LOGAN: Object to the form of the</p> <p>17 question, vague and ambiguous.</p> <p>18 JUDGE GUM: Overruled.</p> <p>19 THE WITNESS: Prior to the contact by your</p> <p>20 office, no.</p> <p>21 BY MS. COX:</p> <p>22 Q. Right. Are you aware that we are here today in a</p> <p>23 lawsuit involving the death of a professional</p> <p>24 wrestler, Owen Hart?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">62</p> <p>1 the device informing that it was not appropriate for</p> <p>2 the purchase -- for the purpose for which I was</p> <p>3 purchasing it.</p> <p>4 BY MS. COX:</p> <p>5 Q. And were you informed at any time that the</p> <p>6 trigger-latch shackle had a history of inadvertent</p> <p>7 releases?</p> <p>8 MR. LOGAN: Object to the form of the</p> <p>9 question.</p> <p>10 THE WITNESS: No.</p> <p>11 MR. LOGAN: Lacks foundation, misstates the</p> <p>12 record.</p> <p>13 JUDGE GUM: Overruled.</p> <p>14 THE WITNESS: No, I was not.</p> <p>15 BY MS. COX:</p> <p>16 Q. Were you informed at any time that using the</p> <p>17 trigger-latch shackle to suspend a human being could</p> <p>18 pose a significant risk of danger to that person?</p> <p>19 MR. LOGAN: Same objection.</p> <p>20 JUDGE GUM: Overruled.</p> <p>21 THE WITNESS: No.</p> <p>22 BY MS. COX:</p> <p>23 Q. Were you informed at any time that there was any</p> <p>24 reason that the trigger-latch shackle should not be</p> <p>25 used anyplace that you need a strong connection</p>	<p style="text-align: right;">64</p> <p>1 Q. Are you aware that Mr. Hart fell from the -- from</p> <p>2 Kemper Arena -- in Kemper Arena in Kansas City,</p> <p>3 Missouri as he was being lowered from the roof of</p> <p>4 Kemper Arena down to the wrestling ring?</p> <p>5 A. Yes, I am aware of that.</p> <p>6 Q. Are you aware at the time that he fell the sole</p> <p>7 connection point between Mr. Hart and the jerk vest</p> <p>8 that he was wearing and the descending rope was the</p> <p>9 trigger-latch shackle?</p> <p>10 A. Yes, I am but I was informed of that by your office.</p> <p>11 Q. Okay. So prior to your involvement with this</p> <p>12 lawsuit, you did not know that?</p> <p>13 A. No.</p> <p>14 Q. And as of today, has Lewmar or any representative</p> <p>15 from Lewmar made any attempt to advise you of the</p> <p>16 dangers associated with using a trigger-latch</p> <p>17 shackle to suspend a human being?</p> <p>18 MR. LOGAN: Object to the form of the</p> <p>19 question, vague and ambiguous.</p> <p>20 JUDGE GUM: Overruled.</p> <p>21 THE WITNESS: No.</p> <p>22 BY MS. COX:</p> <p>23 Q. As of today, has Lewmar or any representative of</p> <p>24 Lewmar made any attempt to advise you of the dangers</p> <p>25 associated with using the trigger-latch shackle in</p>



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1 any stunt application?  
2 MR. LOGAN: Object to the form of the  
3 question, vague and ambiguous, lack of foundation,  
4 calls for speculation.  
5 JUDGE GUM: Overruled. You may answer the  
6 question if you understand it.  
7 THE WITNESS: No. No one has made contact  
8 with me to the best of my knowledge or made any  
9 attempt to contact me to the best of my knowledge.  
10 BY MS. COX:  
11 Q. And prior to being contacted by counsel for WWE, did  
12 you have any reason to believe that using the  
13 trigger-latch shackle to suspend a human being  
14 during a performance was unsafe?  
15 MR. LOGAN: Object to the form of the  
16 question, leading and suggestive.  
17 JUDGE GUM: Overruled.  
18 THE WITNESS: I knew that the trigger-latch  
19 shackle was not originally developed for the stunt  
20 industry and that it was an adaptation of use but I  
21 was never told nor did I have any direct experience  
22 with it failing in any fashion. So I believed it to  
23 be a safe and solid unit for the use that we were  
24 engaging in it.  
25 BY MS. COX:

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1 Q. And, in fact, as we discussed earlier, there is no  
2 maker — or let me ask you directly. Is there any  
3 maker of shackles that makes shackles specifically  
4 for the stunt industry?  
5 A. Not to the best of my knowledge. And if I can  
6 elaborate just slightly, because of this exact  
7 circumstance, liability issues, most people in this  
8 industry will tend to manufacture their own and use  
9 it themselves and not provide it to anyone else.  
10 The fact that you can find devices and adapt them is  
11 a very normal procedure for us.  
12 Q. And that is common in the stunt industry?  
13 A. Yes.  
14 Q. Are you aware of any other people in the stunt  
15 industry in the United States who use Lewmar  
16 trigger-latch shackles?  
17 A. No.  
18 Q. If you had been told by Lewmar that its  
19 trigger-latch shackle had a history of inadvertently  
20 releasing when under load, would you have used it in  
21 the applications that you've described to us today?  
22 MR. LOGAN: Object to the form of the  
23 question, lack of foundation, misstates the record,  
24 calls for speculation.  
25 JUDGE GUM: Overruled.

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1 THE WITNESS: No.  
2 BY MS. COX:  
3 Q. And if Lewmar had told you that its trigger-latch  
4 shackle was unsafe to use with suspending a human  
5 being, would you have used it to suspend a human  
6 being?  
7 MR. LOGAN: Same objections.  
8 JUDGE GUM: Overruled.  
9 THE WITNESS: No, we would not have used  
10 it.  
11 BY MS. COX:  
12 Q. There's been testimony in this case and documents in  
13 this case that Lewmar informed its distributors in  
14 mid Europe not to sell the trigger-latch shackle for  
15 stunts applications because of accidents involving  
16 stunts applications in mid Europe.  
17 If Lewmar had passed that same information  
18 on to you, would you have purchased the  
19 trigger-latch shackle?  
20 MR. LOGAN: Objection to the form of the  
21 question, misstates the record.  
22 JUDGE GUM: Overruled.  
23 THE WITNESS: Not for this purpose.  
24 BY MS. COX:  
25 Q. My final question for you is —

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1 JUDGE GUM: Cross-examination.  
2 MS. COX: Oh, no, no. I said my final  
3 question.  
4 JUDGE GUM: Oh, sorry.  
5 BY MS. COX:  
6 Q. Because you didn't have this information, because  
7 Lewmar chose not to provide it, have you unknowingly  
8 placed people in dangerous situations?  
9 MR. LOGAN: I'm going to object to the form  
10 of the question, it misstates the record and calls  
11 for speculation and it's leading and suggestive.  
12 JUDGE GUM: Sustained.  
13 MS. COX: No further questions.  
14 JUDGE GUM: Cross-examination.  
15 EXAMINATION  
16 BY MR. LOGAN:  
17 Q. Mr. Barbeau, how you doing?  
18 A. I'm managing okay. If I could actually grab a  
19 little water.  
20 VIDEO TECHNICIAN: Off the record — you  
21 want to go off the record — 4:42 p.m.  
22 (A brief recess was taken.)  
23 VIDEO TECHNICIAN: Back on the record 4:43.  
24 BY MR. LOGAN:  
25 Q. Mr. Barbeau, I want to go back to the topic that you



<p>69</p> <p>1 finished with and Ms. Cox was asking you if you had 2 received certain information from Lewmar or Amspec 3 would you have used the trigger-latch shackle in the 4 manner in which you used it. Do you recall that 5 testimony? 6 A. Yes. 7 Q. The trigger-latch shackle that you've produced for 8 us today, that is still part of your equipment that 9 you use? 10 A. It was until I received a call from the office, the 11 other office, yes. 12 Q. And when you went to retrieve the shackle that you 13 produced for us today, where was that? 14 A. That was with our fly gear. 15 Q. The shackle was still part of your equipment? 16 A. Yes. 17 Q. And you need that shackle back; isn't that right? 18 A. If it is not safe for human use, while I spent a 19 considerable amount of money on it and would not 20 willingly part with it, on that basis I wouldn't 21 suspend a human from it. Certainly not as a sole 22 source of support. 23 Q. Didn't you tell us that you needed that shackle back 24 for a performance in June of this year? 25 A. Yes, I did.</p>	<p>71</p> <p>1 Q. That was a telephone interview? 2 A. Correct. 3 Q. And how long did that interview last? 4 A. Twenty minutes perhaps, 18 to 20 minutes. 5 Q. Can you tell me what that associate told you during 6 that interview? 7 A. The associate, after eliciting information from me 8 regarding did I purchase this product, did we use it 9 in a specific fashion for human use, informed me 10 that there was an instance of failure and they were 11 involved in defending or they were involved in a 12 lawsuit associated with this product and the death 13 of a stunt person. And there were some more 14 elaborative details in terms of it being in Kansas, 15 etcetera. In fact, I recalled the individual at 16 that point and the event but the rest of the 17 conversation was fairly innocuous. 18 Q. Do you remember the date of that conversation? 19 A. I'm afraid I do not. 20 Q. Was it within the last year? 21 A. It was at the most two months ago. 22 Q. Do you know how the associate that contacted you got 23 your name? 24 A. I actually inquired and they said they had been in 25 touch with Amspec.</p>
<p>70</p> <p>1 Q. And what performance was that? 2 A. That performance is down at the Medieval Fantasy 3 Fair. 4 Q. So that shackle is - that Lewmar shackle is still 5 used in your performances? 6 A. We have plans to use it, yes. 7 Q. Your testimony was that you would not use that 8 shackle as a sole means of support; is that right? 9 A. Correct. 10 Q. You have been contacted by the attorneys for WWE, 11 World Wrestling Entertainment or World Wrestling 12 Federation? 13 A. That's your office? 14 MS. COX: Yes. 15 THE WITNESS: Yes. 16 BY MR. LOGAN: 17 Q. On how many occasions have you been contacted? 18 A. Twice. Once for an interview and once to let me 19 know about this instance. 20 Q. When you say this instance? 21 A. This deposition. 22 Q. And who contacted you concerning the interview? 23 A. I don't remember the associate's name from the firm. 24 Q. Was it a male or female? 25 A. It was a female.</p>	<p>72</p> <p>1 Q. Did you understand from that conversation that this 2 lawsuit involved a death of a stunt person? 3 A. Yes. 4 Q. Was that the information that was given to you by 5 the associate? 6 A. Yes. 7 Q. And when you say a stunt person, is that someone 8 that has training in performing stunts? 9 A. Yes. 10 Q. Is that how you understood that? 11 A. Yes. 12 Q. Do you know that the person that died surrounding 13 this lawsuit was Owen Hart? 14 A. Yes. 15 Q. Do you know if Mr. Hart had any training in 16 performing stunts? 17 A. In performing stunts, yes. In performing this 18 specific stunt, I have no idea. 19 Q. You have an understanding that Mr. Hart had training 20 in performing stunts? 21 A. Any big time wrestler, and I have trained with some 22 of them, has considerable stunt training. 23 Q. What kind of stunt training? 24 A. Fighting; falling; rolling; taking hits; selling 25 hits, meaning we act as if we'd been hit as opposed</p>



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1 to actually having to endure the impacts; blood  
2 work, how to make blood devices work; a lot -- some  
3 gymnastics, depending on their individual ability,  
4 but specifically flying stunts, that's not -- when  
5 you go to school to become a big time wrestler,  
6 that's not part of any curriculum of which I'm  
7 aware.  
8 Q. And the stunts that you were describing - taking  
9 hits, selling hits, those are stunts that would be  
10 performed in the ring?  
11 A. Not necessarily. Big time wrestling often spills  
12 out over the ring but yes, in front of an audience.  
13 In front of a proximate audience.  
14 Q. As part of a wrestling match?  
15 A. Correct.  
16 Q. And you have no idea whether Mr. Hart had any  
17 training in performing this kind of aerial descent  
18 that he was --  
19 A. No.  
20 MS. COX: Objection.  
21 BY MR. LOGAN:  
22 Q. I'll finish the question, you can object, then  
23 Mr. Barbeau can answer.  
24 JUDGE GUM: Let's proceed.  
25 BY MR. LOGAN:

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1 Q. You don't have any knowledge that Mr. Hart had any  
2 training in performing this kind of aerial descent  
3 stunt?  
4 MS. COX: Objection; leading.  
5 JUDGE GUM: Overruled.  
6 THE WITNESS: I have no personal knowledge  
7 of Mr. Hart's training with respect to this stunt.  
8 BY MR. LOGAN:  
9 Q. You said that when you -- well, let me go back a  
10 step before I get there. If I understand your  
11 testimony, there are several factors that go into  
12 designing a stunt; is that right?  
13 A. Yes.  
14 Q. And your overall concern is safety?  
15 A. Yes.  
16 Q. And then you also have to consider the look that the  
17 director is trying to achieve?  
18 A. Yes.  
19 Q. And you also have to consider the actor's comfort  
20 level with performing the stunt?  
21 A. Yes.  
22 Q. And you told us those things that you would do in  
23 order to train an actor in performing a stunt.  
24 A. Yes.  
25 Q. And have you had occasion in your career to call off

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1 a stunt?  
2 A. Yes.  
3 Q. On what occasions have you called off a stunt?  
4 A. Many occasions. I would be hard pressed to identify  
5 all of them for you. But in circumstances that play  
6 into that, environmental factors, since I perform  
7 very often outside; wet stages; high winds, higher  
8 than what we consider acceptable winds. We've had  
9 performers simply back out and decide that tonight  
10 they weren't ready for that stunt, particularly high  
11 falls. If a stuntman looks down and says today is  
12 not the day I can do this, then you call the stunt.  
13 Q. And are those reasons for calling off the stunt in  
14 connection with the safety?  
15 A. Yes.  
16 Q. The stunt could not be performed safely?  
17 A. Correct.  
18 MS. COX: Objection; leading.  
19 JUDGE GUM: Overruled.  
20 THE WITNESS: Correct.  
21 BY MR. LOGAN:  
22 Q. Have you ever had an occasion to descend a performer  
23 from a height of 60 feet?  
24 A. Yes.  
25 Q. On how many occasions?

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1 A. Let me be specific. The way you're using the word  
2 descend, my answer is no, I suspect, if you can  
3 clarify you mean descend. We have repel which is a  
4 special type of descent from more than 60 feet. But  
5 I have never used a descending device like this in  
6 this type of rigging we have described to go from  
7 that height.  
8 Q. Do you have an understanding as to the type of  
9 rigging that was used in connection with the stunt,  
10 the aerial descent Mr. Hart was to perform?  
11 A. No, I do not.  
12 Q. Do you know the kind of equipment that was used?  
13 A. I am not familiar with the setup of this particular  
14 stunt or the rigging of this particular instance.  
15 Q. Are you aware that the sole connection between  
16 Mr. Hart's Amspec vest that he was wearing and the  
17 line was a Lewmar trigger-latch shackle?  
18 A. I have been informed of that but only during this  
19 deposition.  
20 Q. Could you describe for me the instance in which you  
21 have repelled a performer from a height of 60 feet  
22 or more?  
23 A. During a performance during half time of the Detroit  
24 Pistons, one of the Detroit Pistons' games we  
25 repelled out of the roof rafters. There's platforms



<p style="text-align: right;">77</p> <p>1 up there. There are all kinds of sky walks, and we</p> <p>2 repelled to the floor of the stadium using climbing</p> <p>3 gear appropriate for this sort of repel.</p> <p>4 Q. What kind of equipment?</p> <p>5 A. We were using figure eight descenders.</p> <p>6 Q. And that figure eight descender is a method of</p> <p>7 controlling the speed of the descent?</p> <p>8 A. Correct. It's a device that routes the line through</p> <p>9 a series of loops providing sufficient friction for</p> <p>10 the performer of the stunt to control the rate at</p> <p>11 which they're descending simply by relaxing or</p> <p>12 squeezing harder on the rope directly with their</p> <p>13 hand.</p> <p>14 Q. What kind of rope were you using?</p> <p>15 A. We were using climbing line, static climbing line.</p> <p>16 Q. What was your connection point to the rope?</p> <p>17 A. The connection point to the rope was through a</p> <p>18 climbing harness, pick point, a caribeenner and then</p> <p>19 to the descender.</p> <p>20 Q. What kind of caribeenner?</p> <p>21 A. Petzel, I believe. Although we have 15 or 20, I</p> <p>22 believe most of them are Petzel.</p> <p>23 Q. Is it a locking caribeenner?</p> <p>24 A. Yes.</p> <p>25 Q. Do you have any redundancy in that repel?</p>	<p style="text-align: right;">79</p> <p>1 I'm describing? I want to make sure we're on the</p> <p>2 same page.</p> <p>3 A. That a performer is not in control of their own</p> <p>4 descent directly but someone else or some mechanism</p> <p>5 is engaged in physically lowering them while they</p> <p>6 maintain their concentration elsewhere.</p> <p>7 Q. When you talked about doing -- or training a</p> <p>8 performer to perform a stunt, and you're training an</p> <p>9 actor to perform a stunt --</p> <p>10 A. Correct.</p> <p>11 Q. -- one of the training methods was to have that actor</p> <p>12 do a rehearsal; is that right?</p> <p>13 A. Yes.</p> <p>14 Q. When you do a rehearsal with an actor, do you have</p> <p>15 the actor perform the stunt in costume?</p> <p>16 A. Yes.</p> <p>17 Q. Is that important?</p> <p>18 A. It is critically important.</p> <p>19 Q. Why is that?</p> <p>20 A. Costume affects their balance, their ability to</p> <p>21 move, and their ability to access all of these</p> <p>22 connection points with respect to this specific type</p> <p>23 of a stunt. So their ability to reach the loops and</p> <p>24 hooks and releases and manage the line around what</p> <p>25 is often in my particular area of performance</p>
<p style="text-align: right;">78</p> <p>1 A. No. It was a single-line repel.</p> <p>2 Q. Did you understand the term redundancy?</p> <p>3 A. Yes.</p> <p>4 Q. How do you understand that term?</p> <p>5 A. That there is more than one point of attachment to</p> <p>6 the support line or that there is more than one line</p> <p>7 running to the performer of a stunt.</p> <p>8 Q. The repel that you did from the rafters during the</p> <p>9 Detroit Piston's game, was that as part of your --</p> <p>10 A. Yes.</p> <p>11 Q. -- Ring of Steel?</p> <p>12 A. Yes, it was.</p> <p>13 Q. And all of those persons that descended were</p> <p>14 trained?</p> <p>15 A. Yes.</p> <p>16 Q. And were they all members of Ring of Steel?</p> <p>17 A. They were all members of Ring of Steel in good</p> <p>18 standing and they were all trained in specifically</p> <p>19 repelling. Not everyone in the group trains in the</p> <p>20 same activities or has the same interests.</p> <p>21 Q. On what other occasion have you -- let me go back to</p> <p>22 my original question. Have you ever descended a</p> <p>23 performer from a height of 60 feet?</p> <p>24 A. Not in the method that you're describing.</p> <p>25 Q. Okay. And what is your understanding of the method</p>	<p style="text-align: right;">80</p> <p>1 medieval and renaissance activities, the costumes</p> <p>2 are often quite full and lots of folds of cloth so</p> <p>3 it's important that they rehearse in the garb that</p> <p>4 they're going to be performing the stunt in front of</p> <p>5 an audience.</p> <p>6 Q. Do you know if Mr. Hart received any training in the</p> <p>7 performance of the aerial descent that he was</p> <p>8 scheduled to perform?</p> <p>9 A. I have no knowledge.</p> <p>10 Q. When Ms. Cox asked you about how you learned about</p> <p>11 Amspec, you said that you had believed -- you</p> <p>12 believed that they had been recommended to you by a</p> <p>13 friend.</p> <p>14 A. Yes.</p> <p>15 Q. Who was that?</p> <p>16 A. His name is Brian Thomas. He is a resident in one</p> <p>17 of the subdivisions of Los Angeles, and my</p> <p>18 associations with Mr. Thomas goes back to 1980 at</p> <p>19 the Michigan Renaissance Festival where he and I</p> <p>20 were co-performers in a show. We were part of a</p> <p>21 team together for seven years.</p> <p>22 Q. And did Mister -- when did Mr. Thomas make the</p> <p>23 recommendation to you concerning Amspec?</p> <p>24 A. When we were researching the devices necessary for</p> <p>25 the upcoming show, so certainly in 1997, 1998.</p>



<p style="text-align: right;">105</p> <p>1 THE WITNESS: Not such that I was aware 2 they were a Lewmar product. 3 BY MR. LOGAN: 4 Q. You testified that that quick-release device, 5 Exhibit 5, was not manufactured for use in the stunt 6 industry. 7 MS. COX: Objection; misstates his 8 testimony. 9 JUDGE GUM: Overruled. 10 THE WITNESS: I was -- I'm sorry, ask the 11 question again. 12 BY MR. LOGAN: 13 Q. Do you know the purpose -- do you know the purpose 14 why that trigger-latch shackle was manufactured? 15 A. I did not at the time that I was purchasing it. 16 Q. Have you since learned its purpose? 17 A. I was made aware -- 18 MS. COX: Objection; calls for speculation. 19 Go ahead. 20 JUDGE GUM: Overruled. 21 THE WITNESS: I was made aware of its 22 nautical origin during the conversation with the 23 associate from your firm. What's the name of the 24 firm again? 25 MS. COX: Bryan Cave.</p>	<p style="text-align: right;">107</p> <p>1 a performer to reach up and take hold of this while 2 they were suspended by it. They were instructed 3 specifically not to do that. 4 Q. And you can tell by looking at the design of that 5 Lewmar trigger-latch shackle that it is designed to 6 release under load? 7 A. Yes. 8 Q. This is kind of where I started my 9 cross-examination, Mr. Barbeau, and that was 10 with the fact that you have plans to use that 11 quick-release device in a performance in June of 12 this year? 13 A. Yes. 14 Q. And do you consider that there are appropriate uses 15 then for a quick-release device in the shows that 16 you work on? 17 A. Yes. 18 MS. COX: Objection; vague and ambiguous. 19 JUDGE GUM: Overruled. 20 BY MR. LOGAN: 21 Q. What are those uses? 22 A. The use that we plan for this is we'll be flying in 23 a 40-pound bird that's a fake and that bird then 24 needs to be released off the line quickly. I would 25 use this for anything that didn't go over the heads</p>
<p style="text-align: right;">106</p> <p>1 THE WITNESS: Bryan Cave. 2 3 (Deposition Exhibit No. 5 was marked.) 4 5 BY MR. LOGAN: 6 Q. When you received this shackle, Exhibit 5, and you 7 saw the language use spike to open, did you -- what 8 did that mean to you? 9 A. It confused me when I read that because it did work 10 with a simple finger pull. So I was unclear on what 11 that could possibly mean, but perhaps there was some 12 functionality to it of which I was unaware. 13 Q. Did you ever have the performers that use the 14 quick-release device release themselves with the 15 finger pull? 16 A. The answer to your question is no, they -- the 17 performers use this. The technicians that released 18 it did utilize this pull. 19 Q. Are you aware that the Lewmar trigger-latch shackle 20 is designed to release quickly under load? 21 A. No. And my experience has been that we never 22 allowed a performer to release this while it was 23 under load. Its design tells me that it can be 24 released under load, otherwise the hinge would not 25 be constructed in this fashion, but I never allowed</p>	<p style="text-align: right;">108</p> <p>1 of the audience and anything that wasn't human at 2 this point, having learned what I have learned about 3 it. 4 For me, I still -- I don't have any or 5 rarely have had any call to release something under 6 load. So at least to date I haven't been called on 7 first on a show to do that. No Water Worlds. 8 Q. Do you have any understanding that the trigger-latch 9 shackle that was used in the Owen Hart stunt failed 10 to operate in the way that it was designed to 11 operate? 12 MS. COX: Objection; calls for speculation, 13 lacks foundation. He already testified he doesn't 14 know anything about the setup of that. 15 JUDGE GUM: He may answer if he knows. 16 THE WITNESS: Ask it -- 17 MR. LOGAN: Could you read it back? 18 (Reporter read pending question.) 19 THE WITNESS: No, I do not. 20 Excuse me, Your Honor, I need a moment. I 21 just received a high-level urgency page from my 22 wife. A have a three-year-old and an 23 eight-month-old at home so I need to at least check 24 in. 25 VIDEO TECHNICIAN: Off the record 5:41.</p>



<p style="text-align: right;">113</p> <p>1 much. Flying and being dangling in the air, that's 2 an entirely different matter. 3 Q. Okay. And was this the first time that these actors 4 actually dangled in the air? 5 A. Yes. 6 Q. So if you had an actor who had previously done a 7 descent from the same height as the descent that he 8 was being asked to do now and the only difference 9 was that the trigger-latch shackle was being used, 10 would it take you one to two weeks to train that 11 person? 12 MR. LOGAN: I'm going to object to the form 13 of the question as leading and suggestive. 14 JUDGE GUM: It is but you may answer. 15 THE WITNESS: The difficulty with the stunt 16 really lies in the confidence of the individual and 17 their ability to perform it. Training them in a 18 particular protocol and how quickly they grasp that 19 protocol and are able to comfortably execute it, I 20 insist on as many iterations as it takes before I'm 21 confident in their ability and they're confident and 22 they express confidence in their ability. 23 So the answer is no, it might not take two 24 weeks. It may take only 20 minutes. It may take 25 two minutes for me to tell one of my stunt</p>	<p style="text-align: right;">115</p> <p>1 release. 2 BY MS. COX: 3 Q. That's not my question. Maybe I should rephrase 4 that. My question is what is required. Let's say 5 assuming that the trigger-latch shackle is under a 6 load, what is required for it to be released? 7 A. That's very different than the design of it. 8 Q. Right. 9 A. Because I indicated that it was designed to release 10 under load even though I didn't use it that way. 11 Q. Right. 12 A. For this to release under load you simply have to 13 pull the release. 14 Q. And if the release is not pulled, do you expect that 15 the trigger-latch shackle would unlatch simply 16 because it's designed to be able to release under 17 load? 18 MR. LOGAN: Objection to form, leading and 19 suggestive. 20 JUDGE GUM: Sustained. 21 BY MS. COX: 22 Q. Is it your understanding that the design of the 23 trigger-latch shackle would cause it to come 24 unlatched simply because it's under load? 25 A. No.</p>
<p style="text-align: right;">114</p> <p>1 professionals oh, yeah, we're doing something 2 differently this time, I need you to do this, this 3 and this and make certain you do it in this order. 4 And, you know, they look me in the eye and we nod 5 and we go do the performance. But my guys train 51 6 weeks a year. That's not on the same order of 7 magnitude as some actress who's going to do it one 8 time in her whole career. 9 BY MS. COX: 10 Q. In response to Mr. Logan's questioning, you talked 11 about a trigger-latch shackle as being designed to 12 release under a load. Do you recall that? 13 A. Yes. 14 Q. What would be required or what is your understanding 15 of what is required in order for the trigger-latch 16 shackle to be released under load? 17 A. Two factors would -- well, I was expecting an 18 objection if I were you. So there are two factors 19 that would -- 20 MR. LOGAN: I would move to strike that 21 comment. 22 THE WITNESS: Sorry. I've been here a long 23 time and I'm totally sugar crashed at this point. 24 There are two factors that I would look for 25 in identifying how a shackle was designed to</p>	<p style="text-align: right;">116</p> <p>1 MS. COX: I have no further questions. 2 JUDGE GUM: Any re-cross? 3 RE-EXAMINATION 4 BY MR. LOGAN: 5 Q. One quick question, Mr. Barbeau. Did you order 6 the products from Amspec that are referred to on 7 Exhibit 2 while you were on the telephone or after 8 you received the catalog? 9 A. While I was on the telephone. And the catalog 10 arrived with the merchandise. 11 MR. LOGAN: That's all I have. Thank you. 12 JUDGE GUM: All right. Thank you very 13 much. You're free to go. 14 VIDEO TECHNICIAN: Deposition concluded 15 5:56 p.m. 16 (Deposition concluded 5:56 p.m.) 17 - - -</p>